

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 795

Introduced by Assembly Member Alejo

February 21, 2013

An act to add Section 1203.49 to the Penal Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 795, as amended, Alejo. Human trafficking.

Existing law defines and proscribes the crimes of human trafficking, solicitation, and prostitution. Existing law also authorizes a court, in its discretion and in the interests of justice, to grant various forms of relief to a petitioner who completes conditions of probation, including the dismissal of the accusation or information against that person.

Existing law requires the Department of Justice to maintain state summary criminal history information, and to furnish that information to specified entities for various purposes, including for purposes of fulfilling employment, licensing, and certification requirements.

This bill would provide that if a defendant has been convicted of solicitation or prostitution and can show that the conviction was the result of his or her status as a victim of human trafficking, he or she may petition for, and the court may issue, an order that (1) sets forth a finding that the defendant was a victim of human trafficking, as specified, (2) dismisses the accusation or information against the defendant, (3) notifies the department that the defendant was a victim of human trafficking when he or she committed the crime and the relief that has been ordered, and (4) prohibits the dissemination, for specified

employment, licensing, and certification requirements, of the defendant's record of conviction.

~~Existing law, as amended by Proposition 35, an initiative measure approved by the voters at the November 6, 2012, statewide general election, provides that any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services or to maintain a violation of specified criminal acts, including sexual exploitation of a child or extortion, or who causes, induces, or persuades, or attempts to cause, induce, or persuade, a minor to engage in a commercial sex act, is guilty of human trafficking. A violation of these provisions is punishable by imprisonment in the state prison, as specified, and by a fine of not more than \$500,000.~~

~~This bill would express the intent of the Legislature to enact legislation that would enhance the effectiveness of state laws proscribing human trafficking.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 1203.49 is added to the Penal Code, to*
2 *read:*

3 *1203.49. If a defendant has been convicted of solicitation or*
4 *prostitution, as described in subdivision (b) of Section 647, and if*
5 *the defendant can show that the conviction was the result of his*
6 *or her status as a victim of human trafficking, he or she may*
7 *petition the court for, and the court may issue, an order that does*
8 *all of the following:*

9 *(a) Sets forth a finding that the petitioner was a victim of human*
10 *trafficking when he or she committed the crime.*

11 *(b) Orders any of the relief described in Section 1203.4.*

12 *(c) Notifies the Department of Justice that the petitioner was a*
13 *victim of human trafficking when he or she committed the crime*
14 *and the relief that has been ordered.*

15 *(d) Prohibits the dissemination pursuant to subdivisions (k) to*
16 *(p), inclusive, of Section 11105 of the petitioner's record of*
17 *conviction.*

18 ~~SECTION 1. It is the intent of the Legislature to enact~~
19 ~~legislation that would enhance the effectiveness of state laws~~
20 ~~proscribing human trafficking.~~

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